

**MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**WEDNESDAY, AUGUST 12, 2015**

**I. CALL TO ORDER**

- Mayor Fulkerson called the meeting to order at 6:00PM. Council members in attendance: Miller, West, Fulkerson, Baker, Winnett.
- City Staff in attendance: City Manager Dan Berman, City Clerk Gabriel Adams.

**II. PLEDGE OF ALLEGIANCE**

**III. ADJOURNMENT TO CLOSED SESSION – *No closed session***

**IV. RECONVENE TO OPEN SESSION**

**V. APPROVAL OF AGENDA**

- Move #5 & 6 to first on the agenda. Take item 2 after VDU discussion.
- Motion (Miller/West) to approve the agenda as amended. **Passed unanimously.***

**VI. APPROVAL OF MINUTES – *No Minutes to approve.***

**VII. COMMISSIONERS REPORTS**

**Miller:** Nothing to report.

**West:** Nothing to report.

**Fulkerson:** Brief report on the League of CA divisional meeting held at the Town Hall in July.

**Baker:** Attended a public safety meeting.

**Winnett:** Deferred to VDU committee recommendation agenda item.

**City Manager Berman:** Highlighted and announced various updates, including:

- Public safety meeting summary.
- City Clerk's office under construction.
- Meeting with local State Representative Mike McGuire to discuss VDU legislation.
- Continued meeting/discussion regarding HBMWD water connection to Trinidad.

**VII: PROCLAMATIONS & ANNOUNCEMENTS**

1. Recognition of Lesbian, Gay, Bisexual, and Transgender Awareness Month September 2015.  
*Mayor Fulkerson read the proclamation. Representative from Humboldt Pride announced the 23<sup>rd</sup> annual festival.*

**VIII. ITEMS FROM THE FLOOR**

**Katherine Wayne** – Trinidad Chamber of Commerce

Mixer at Salty's on September 17<sup>th</sup>, 2015, and Tastin' Trinidad in October.

**IX. CONSENT AGENDA**

1. Financial Status Reports for June 2015.
2. Adoption of Humboldt Low Impact Development Stormwater Manual.

*Motion (Miller/West) to approve the consent agenda. **Passed unanimously.***

**X. DISCUSSION AGENDA**

1. Discussion/Decision regarding Stormwater Control Ordinance 2015-01 – Second Reading.  
City Manager Berman explained that the Stormwater Control Ordinance will provide the City with the legal authority to control stormwater that is required as part of our existing permit to discharge stormwater into the Trinidad Bay. The first reading of the ordinance was held on June 30, 2015. The draft ordinance was presented by staff at two earlier Council meetings. This Ordinance is effectively a requirement of our Stormwater Discharge Permit, and something very similar is already in place or being put in place by Cities and Counties throughout the State to help address Stormwater Pollution.

There were no Council or public comments.

*Motion (Miller/Baker) to approve the second reading of Stormwater Control Ordinance 2015-01.*  
**Passed unanimously.**

2. Discussion/Decision regarding Planning Commissioner Appointment.

City Manager Berman explained that the recent resignation of Commissioner Chuck Vanderpool has left vacant a 3-year term on the Planning Commission. (4) Letters of interest were received by the deadline. All were from applicants that live outside the city limits. Lisa Espejo, Katherine Wayne, John Graves, and Ron Zemel.

Two candidates were present at the meeting, Lisa Espejo and Katherine Wayne. Councilmember Miller explained that he created a series of questions to ask each candidate so the Council and public could get a better idea of who they are. He contacted John Graves prior to the meeting and interviewed him since he could not attend the meeting. The questions were:

1. Brief introduction.
2. Personal characteristics possessed that would make them strong candidates.
3. General Plan Vision
4. Thoughts on balancing private rights with neighborhood concerns.
5. How will you be able to reach a decision on a complicated issue.

Both candidates nominated one another for the position, and disclosed that there would be no hard feelings if either wasn't selected.

There was no public comment.

Council comments included:

**Baker:** I like Espejo's expertise, and how that will translate to a contribution to the General Plan update process.

**Miller:** I support Graves with previous Planning Commission experience.

**Winnett:** I think Wayne fit for the position with her level of maturity and experience with people at odds.

**Fulkerson:** I support Espejo based on credentials and experience working with the youth community in Trinidad. She gives them a voice.

*Motion (Winnett/West) to appoint Katherine Wayne as commissioner. (2) Yes, (3) Abstain.*

*Motion (Miller/Baker) to appoint Lisa Espejo as Commissioner. Passed unanimously.*

3. Discussion/Decision regarding Establishing a Design Recognition Committee to Recognize Quality Community Design.

Mayor Fulkerson explained that a citizen's committee of five members, selected by the Council will meet to determine which residents, households and businesses best achieve high standards of design reflecting the values of the Village of Trinidad.

Categories for awards:

- Outstanding Alley Design and Maintenance
- Outstanding Retail Store and Landscaping Design
- Outstanding Commercial Signage
- Outstanding "Fishing Village" Exterior Remodel
- Outstanding Secondary Unit Design
- Outstanding Coastal and Native Plant Landscaping
- Outstanding Energy Efficiency Remodel
- Outstanding Vacation Dwelling Unit Design

Process for selection:

There will be no official nomination process, although residents are encouraged to suggest candidates/addresses for consideration. Names and addresses of potential awardees may be submitted to the Design Award Committee for consideration.

Committee members will individually tour/walk the City of Trinidad in order to consider all potential award candidates. Members will gather information and bring to the committee for consideration.

Awards will be made at a City Council Meeting within two months of appointment of the Award Committee. Awardees will be invited to attend. Digital images of award winners will be included during the presentation.

There was no public or Council comments.

*Mayor Fulkerson nominated the following individuals to serve on the committee and report back with award recipients: Susan Tissot, Ali Lindgren, Jason Richie, John Frame, and Patti Fleschner*

4. Discussion/Decision regarding Proposed Extension of Ordinance 2015-02; Temporary Moratorium on Issuance of Vacation Dwelling Unit Permits.

City Manager Berman explained that at the June 30<sup>th</sup> 2015 Council Meeting the Council adopted an urgency ordinance placing a temporary moratorium on permitting new vacation dwelling units. Under the State code governing urgency ordinances, this initial action was limited to 45 days. In order to keep the moratorium in place while the City works on a long-term solution, the Council must act to extend the ordinance. This proposed extension would provide another six months. One additional extension after this for an additional year is allowed under the governing code.

The process and requirements for local governments to use an Interim Urgency Ordinance are defined in Government Code Section 65858. Relevant requirements and limitations include:

- The City can only utilize this power if it makes findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional VDU Business Licenses would result in that threat to public health, safety, or welfare.
- The City must actively use the time provided by the Urgency Ordinance to study the threat and develop a 'regular' (non-urgency) approach to address the Ordinance.
- Approval of an Urgency Ordinance requires a four fifths vote of the City council.
- This initial Urgency Ordinance would be in effect for 45 days, but it can be extended by subsequent Council action for 10 months and 15 days, and then again for another year.
- The Urgency Ordinance goes into effect immediately upon approval.

The VDU Committee of Councilmembers West and Winnett have held one public meeting since the initial moratorium went into effect.

**Required Findings:**

In order to approve this Urgency Ordinance the Council must find that there is a 'current and immediate threat to public welfare' that would result from not passing this Urgency Ordinance. Staff sees that threat best summarized as the effects on the welfare of the community that would result from more homes being converted from residences for Trinidad's citizens to vacation rentals during the time that it would take for a regular ordinance option to be developed and go into effect. Those effects are described above and summarized briefly in the Ordinance itself.

**Impacts to City**

The City will be forgoing potential increases in TOT revenue that could result from additional vacation rentals, although this could be balanced somewhat if existing VDUs can increase rates and/or are able to absorb increased demand by making more bookings.

**Impacts to Existing Vacation Rentals**

If this Urgency Ordinance is approved, anybody who has not submitted a complete VDU License Application prior to this date will be unable to obtain a license while the moratorium remains in effect.

City staff has sent three separate letters this spring notifying VDU owners and operators that they must have an application submitted prior to June 30<sup>th</sup> in order to continue operating as of July 1<sup>st</sup> 2015. This requirement is independent of the Urgency Moratorium, as all City Business Licenses require annual renewal for each new fiscal year (July-June).

Council questions/clarifications:

**West:** The committee is working quickly to discuss options to cap the number of permits issued, as well as exploring doing nothing as an option. If we extend the moratorium we believe we can get enough information together to send to the Planning Commission for further review. We hope to have it ready by the next meeting.

**Winnett:** We met twice as a committee and thanks to the participants we have good statistics. We're close to a resolution on (2) issues; 1) Will we do anything?, and 2) If so, what will we do? No one wants surprises forced upon them, and we believe we can get a recommendation back for consideration within 6 months. Also, application status concerns have been expressed by those waiting for their operating permits.

**Miller:** We have public concerns whether this is affecting public safety, health, and welfare. I believe this to be true because if there are less permanent residents, then there are less people looking out for the neighborhoods.

Public comments included:

**Richard Johnson** - Planning Commissioner

Development of an ordinance will take at least 6 months at the PC level, and possibly much more time sitting on the Coastal Commissions desk. **City Manager Berman** explained that the moratorium can be extended up to 2 years total.

**Dick Bruce** – Trinidad

I'm in favor of extending the ordinance moratorium. 9 months out of the year, the city is without lights. Less volunteers, less neighborhood watch. Spend the time doing this right the first time.

**Jonna Kitchen** – Trinidad resident, Owner – Trinidad Retreats

Frustrated that we still don't have permits issued for existing rentals. 14% of the housing inventory in Trinidad are VDU's. Trinidad School has incredibly high enrollment numbers, and I don't believe this issue presents a current and immediate threat to the city. I don't believe the moratorium should be in place. I support a cap, accountability, and a standing VDU Advisory Committee. End the moratorium.

**Lynda Moran** – Owner, Trinidad Bay Vacation Rentals

The moratorium is extreme. VDU's aren't a threat to health and safety. The general welfare is not threatened. The moratorium has created a lot of confusion to potential home-buyers and realtors. There is an ordinance in place, and a cap can be worked out without a moratorium in place. Balance is needed, but no moratorium.

**Don Allen** – Trinidad Area Resident

I've lived here for almost 30 years and I've seen the change. Vacation rental managers are carpetbaggers. What the managers are doing with vacation rentals is jacking up the price of Trinidad. Keep the moratorium in place as long as possible. I have 3 rentals in my neighborhood in Westhaven. I have no sympathy for managers of vacation rentals.

**Christina D'Allesandro** – Trinidad Resident, Realtor

What's the status of current VDU applications? CM Berman explained that June 30 was the deadline, and anyone that turned in an application by then will be considered.

Council comments included:

**West:** Asked about the next steps, once a draft is developed.

**Fulkerson:** Suggested that staff research other cities that have gone through this process and borrow from them.

**Baker:** May need to recuse himself due to potential conflict as a VDU permit holder. Also concerned with making sure the committee and Planning Commission have good data to work from.

*Motion (Miller/West) to extend the VDU Permit Moratorium Ordinance 2015-02 for the full one-year period.*

**Passed unanimously.**

5. Discussion/Decision regarding City of Trinidad Inclusion in the California HERO Program.

Redwood Coast Energy Authority ED Matt Marshall explained that the California HERO Program is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements and electric vehicle charging infrastructure on their property. If a property owner chooses to participate, the improvements to be installed on such owner's property will be financed by the issuance of bonds by a joint power authority, Western Riverside Council of Governments ("WRCOG"), secured by a voluntary contractual assessment levied on such owner's property. Participation in the program is 100% voluntary. Property owners who wish to participate in the program agree to repay the money through the voluntary contractual assessment collected together with their property taxes.

The benefits to the property owner include eligibility, savings, 100% voluntary, payment obligation stays with property, prepayment options, customer oriented. The benefits to the City include increase local jobs, an increase in housing prices (higher efficient homes are worth more money), an increase in sales, payroll and property tax revenue, and as in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties.

The proposed resolution enables the California HERO Program to be available to owners of property within our City to finance renewable energy, energy efficiency and water efficiency improvements and electric vehicle charging infrastructure. The resolution approves an Amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order that the California HERO Program may be offered to the owners of property located within the City who wish to participate in the California HERO Program

There is no negative fiscal impact to the City's general fund incurred by consenting to the inclusion of properties within the City limits in the California HERO Program. All California HERO Program administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee which is also collected on the property owner's tax bill.

The Council and members of the public asked various mechanical questions about the funding and how it would affect such things as what contractors they could hire, how a property sale would be affected by the lien, and how this program would be promoted to the area.

**Fulkerson** noted that this could fuel another small economic boost to the community.

*Motion (Miller/West) to adopt Resolution 2015-06 and 2015-07 authorizing both the HERO and the Ygrene Works PACE programs to offer services within the city of Trinidad. **Passed unanimously.***

6. Discussion/Presentation regarding Community Choice Aggregation Presentation from Redwood Coast Energy Authority.

Matthew Marshall, Executive Director of the Redwood Coast Energy Authority, explained to the Council the Community Choice Aggregation program and how the City of Trinidad might participate at some point.

*Information presentation only. Item will be brought back to a future meeting for discussion/decision.*

### **XIII. ADJOURNMENT**

- **Meeting ended at 10:25 pm.**

**Submitted by:**

\_\_\_\_\_  
**Gabriel Adams**  
City Clerk

**Approved by:**

\_\_\_\_\_  
**Julie Fulkerson**  
Mayor